

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-00584-MOC
(3:12-cr-00097-MOC-DCK-1)

THIS MATTER is before the Court on Petitioner's Unopposed Motion to Stay. [Doc. 13].

On June 23, 2016, Petitioner filed a Section 2255 Motion to Vacate Sentence. [Doc. 1]. On this Court’s Order, the Government responded to Petitioner’s motion and moved to dismiss it. [Doc. 4]. Thereafter, on the Government’s motion, the Court placed this matter in abeyance pending the Fourth Circuit’s decision in Ali. On September 6, 2019, Petitioner filed a supplemental memorandum in support of his § 2255 motion. [Doc. 8].

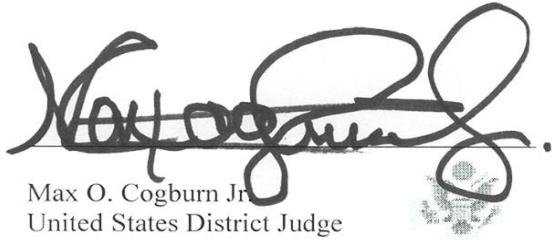
The Fourth Circuit decided Ali, United States v. Ali, 991 F.3d 561 (4th Cir. 2021), and the Court lifted the stay in this matter and ordered Petitioner to respond to the Government’s motion to dismiss within 30 days. Petitioner now moves to again place this case in abeyance. [Doc. 13]. Petitioner states that, on April 16, 2021, Ali filed a petition for rehearing en banc that is currently pending in the Fourth Circuit Court of Appeals. Petitioner further states that Ali will likely file a petition for writ of certiorari should the rehearing petition be denied. [Id. at 1-2]. Petitioner asks that this case be stayed pending final disposition of Ali because “the decision in Ali is likely to be

dispositive on the issues presented in Hallman's case." [Id. at 2]. The Government consents to the requested stay. [Id.].

IT IS, THEREFORE, ORDERED that this matter is **STAYED** pending final disposition of United States v. Ali, No. 15-4433.

IT IS FURTHER ORDERED that Petitioner shall notify the Court within seven (7) days of the decision on his petition for rehearing en banc and provide an update of Petitioner's intention as to filing a petition for certiorari at that time.

Signed: May 11, 2021



Max O. Cogburn Jr.
United States District Judge